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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 PERSONALWEB TECHNOLOGIES
15 LLC AND
16 LEVEL 3 COMMUNICATIONS, LLC.,

17 Plaintiffs,

18 v.

19 FACEBOOK INC.,

20 Defendants.
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Case No. 5:13-cv-01356-EJD

**NOTICE OF PENDENCY OF
OTHER ACTION INVOLVING
SAME PATENT**

Hon. Edward J. Davila

TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA, AND TO THE PARTIES HEREIN AND THEIR
ATTORNEYS OF RECORD:

In accordance with Patent L.R. 2-1(a), Plaintiff PersonalWeb Technologies LLC (“PersonalWeb”) hereby provides notice that the recently transferred cases, *PersonalWeb Technologies, LLC and Level 3 Communications LLC v. International Business Machines Corp.*, No. 3:16-cv-01266-YGR (N.D. Cal. Oakland Div.) (“the IBM action”) and *PersonalWeb Technologies LLC and Level 3 Communications v. Rackspace U.S. Inc., et al.*, 3:16-cv-01267-EMC (N.D. Cal. SF Div.) (“the Rackspace action”), concerns the same patents and was filed within two years of this case and the following actions:

(1) *PersonalWeb Technologies, LLC and Level 3 Communications LLC v. Google Inc. and YouTube, LLC.*, No. 5:13-cv-01317-EJD (N.D. Cal. San Jose Div.) (“the Google action”);

(2) *PersonalWeb Technologies, LLC and Level 3 Communications LLC v. NetApp, Inc.*, No. 5:13-cv-01359-EJD (N.D. Cal. San Jose Div.) (“the NetApp action”);

(3) *PersonalWeb Technologies, LLC and Level 3 Communications LLC v. EMC Corp. and VMware, Inc.*, No. 5:13-cv- 01358-EJD (“the EMC action”); and

(4) *PersonalWeb Technologies LLC and Level 3 Communications v. Apple Inc.*, No. 4:14-cv-01683-YGR (N.D. Cal. Oakland Div.) (“the Apple action”).

Each case involves patents from the same patent family. Those patents include U.S. Patent Nos. 6,415,280, 7,802,310, and 6,928,442.

All cases were originally filed in the U.S. District Court for the Eastern District of Texas. The Google, Facebook, EMC and NetApp actions were previously transferred to the Northern District of California and deemed related to each other under Civil L.R. 3-12. Later, the Apple action was transferred to the Northern District

1 of California. Most recently, the IBM and Rackspace actions were transferred to the
2 Northern District of California.

3 IBM has filed an Administrative Motion to relate the IBM case to the EMC
4 case on the ground that “there is a greater relatedness between the IBM action and the
5 EMC action....” Plaintiffs disagree. All cases are equally related because, as IBM
6 concedes, all cases share common plaintiffs and “the same family of interrelated
7 patents, which all stem from a common application and share similar claim terms and
8 elements.”

9 DATED: March 28, 2016

MCKOOL SMITH HENNIGAN, P.C.

10 BY: /s/ Lawrence M. Hadley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 28, 2016 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

/s/ Lawrence M. Hadley

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